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APPLICATION NO	). F	TLING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/995,481		11/28/2001	Christy R. Martin	11345.032002	2343	
22511	7590	12/07/2004		EXAMINER		
*	MAY L.L		ZHOU, TING			
1221 MCKINNEY STREET HOUSTON, TX 77010				ART UNIT	PAPER NUMBER	
				2173		

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	-				
Office Action Summary				$\mathcal{A}$				
		09/995,481	MARTIN ET AL.	<del>`</del>				
		Examiner						
	The MAILING DATE of this communication app	Ting Zhou lears on the cover sheet wi	th the correspondence address					
Period fo			,					
THE - Exte after - If the - If NO - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION.  Insions of time may be available under the provisions of 37 CFR 1.13 (S) MONTHS from the mailing date of this communication. The period for reply specified above is less than thirty (30) days, a reply of period for reply is specified above, the maximum statutory period was the toright of the period for reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a r within the statutory minimum of thirt will apply and will expire SIX (6) MON cause the application to become AB	eply be timely filed  y (30) days will be considered timely.  THS from the mailing date of this communic  ANDONED (35 U.S.C. § 133).	cation.				
Status								
1)⊠	Responsive to communication(s) filed on 07 Se	eptember 2004.						
2a)⊠	This action is <b>FINAL</b> . 2b) ☐ This	action is non-final.						
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
	closed in accordance with the practice under E	x parte Quayle, 1935 C.D	. 11, 453 O.G. 213.					
Disposit	ion of Claims							
	<ul> <li>✓ Claim(s) 1-10 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdrawn from consideration.</li> <li>☐ Claim(s) is/are allowed.</li> </ul>							
	Claim(s) <u>1-10</u> is/are rejected.							
7)	Claim(s) is/are objected to.							
8)□	Claim(s) are subject to restriction and/or election requirement.							
Applicati	ion Papers							
9)[	The specification is objected to by the Examiner	r.						
•	10)⊠ The drawing(s) filed on <u>7 September 2004</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.							
	Applicant may not request that any objection to the	drawing(s) be held in abeyan	ce. See 37 CFR 1.85(a).					
—	Replacement drawing sheet(s) including the correcti		•	• •				
11)	The oath or declaration is objected to by the Ex	aminer. Note the attached	Office Action or form PTO-152	2.				
Priority u	under 35 U.S.C. § 119							
	Acknowledgment is made of a claim for foreign  All b) Some * c) None of:  1. Certified copies of the priority documents	s have been received.						
	<ul><li>2. Certified copies of the priority documents</li><li>3. Copies of the certified copies of the priority</li></ul>	ity documents have been		:				
* 0	application from the International Bureau See the attached detailed Office action for a list of	•	received					
	see the attached detailed office action for a list t	or the continue copies not						
			•					
Attachmen		<u>.</u>						
	e of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948)		ummary (PTO-413) )/Mail Date					
3) Inform	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) or No(s)/Mail Date		formal Patent Application (PTO-152)					

### **DETAILED ACTION**

1. The amendment filed on 7 September 2004 have been received and entered. Claim 1 has been amended by the applicant. Claims 1-10 as amended are pending in the application.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyer et al. U.S. Patent 6,268,849.

Referring to claim 1, Boyer et al. teach a portal comprising a display connected to the remote terminal for displaying an arrangement of cells (displaying a program listing guide on the computer display, connected to the computer system 100 via the Internet, or web server) (column

2, lines 23-31 and 55-57 and Figures 1 and 9), each cell comprising a visual object and an underlying application (each cell, or grid in the program listing displays a visual object, such as text description KNICKS VS. BULLS 43:42, shown by reference character "650" in Figure 9, and an underlying application, or the currently running program the grid is associated with; for example, the grid represented by reference character "650" is associated with the broadcasted basketball game between the Knicks and the Bulls), and a user input device for inputting user inputs to select one of the cells (users can select individual grids of program listings) (column 9, lines 57-67 and column 12, lines 28-60), wherein the cells include one cell having at least some characteristics determined at the broadcast center (for example, grids displaying program listings and real-time data received from information processing facility 50 regarding events in progress broadcast on a television channel) (column 4, lines 44-67 and column 5, lines 38-58) and another cell having at least some characteristics determined in accordance with data stored at the terminal (for example, cells can display data stored in the media library of the computer system 100 such as video clips and related interviews and reviews from previously televised sporting events) (column 4, lines 6-11 and 50-67).

Referring to claim 2, Boyer et al. teach the cells include one or more dynamically changing cells (dynamic data received can be embedded in the corresponding televised event in progress and therefore, dynamically changing the grids; for example, the grid KNICKS VS.

BULLS 43:42 shown by reference character "650" in Figure 9 dynamically changes as the score of the game changes) (column 4, lines 44-67).

Referring to claim 3, Boyer et al. teach the cells include one or more context-sensitive cells (for example, the information displayed in each grid of the display depends upon the user's

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selection of how he wants to display the various program listings; for examples, the cells will display different information depending upon if the user wants to display the program listings by time, channel, etc.) (column 8, lines 50-62).

Referring to claim 4, Boyer et al. teach a method comprising receiving a plurality of programs (receiving dynamic information regarding events, or programs in progress) (column 2, lines 23-28 and Figure 9), continuously monitoring data indicative of characteristics of the received programs (monitoring the arrival of dynamic data related to program listings) (column 4, lines 44-48), generating a portal comprising cells containing current video of at least some of the received programs (receiving and displaying current, or real-time data, including video clips, of currently broadcast events such as a basketball game) (column 3, lines 1-8, column 4, lines 44-67 and column 13, lines 4-10) and organized based on the characteristics of the received programs (the program listings can be organized based on different categories the programs belong to; for example, sports, time, channel, etc. can be categories by which program listing are displayed) (column 8, lines 50-62), and dynamically re-organizing the cells when the monitored characteristics of one or more of the received programs change (dynamic data received can be embedded in the corresponding televised event in progress and therefore, dynamically redisplaying the grids; for example, the grid KNICKS VS. BULLS 43:42 shown by reference character "650" in Figure 9 dynamically changes as the score of the game changes) (column 4, lines 44-67).

Referring to claim 5, Boyer et al. teach the cells are organized based on the themes of the received programs (the programs can be displayed according to categories; for example, sports can be the category, or theme by which programs listings are displayed) (column 8, lines 50-62).

Referring to claim 6, Boyer et al. teach the cells are associated with applications (each cell is associated with an underlying application, or the currently running program the grid is associated with; for example, the grid represented by reference character "650" in Figure 9 is associated with the broadcasted basketball game between the Knicks and the Bulls).

Referring to claim 7, Boyer et al. teach the cells are organized into pages and the cells on each page are associated with received programs having common characteristics (program listings can be organized into a plurality of different pages so that each page displays programs that are of a common theme; for example, as shown in Figure 13, the user can select to display a page of program listings belonging to the "Movies" theme and the corresponding page displayed is shown in Figure 14) (column 11, lines 2-19).

Referring to claim 8, Boyer et al. teach the cells on each page are associated with received programs having the same theme (for example, the cells displayed on the page shown in Figure 14 all have the common theme of being movies) (column 11, lines 2-19).

Referring to claim 9, Boyer et al. teach the cells are organized into pages and each page has a plurality of zones of cells, the cells in each zone being associated with received programs having common characteristics (in the page displaying programs that are under the theme "Movies" shown in Figure 14, the page further has a plurality of zones, such as the time of day like "EARLY", "MORNING", etc. and the day of the month by which to display the program listings; for example, if the user selects the zone "MORNING", the received programs shown during that time period is displayed; the same is applied for displaying the movies that are shown for a particular channel) (column 11, lines 8-29).

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Referring to claim 10, Boyer et al. teach the cells in each zone are associated with received programs having the same theme (for example, the program listings displayed if the user selects the zone "MORNING" all have the same theme of being movies shown during the morning time period) (column 11, lines 8-29).

## Response to Arguments

- 3. Applicant's arguments filed on 7 September 2004 have been fully considered but they are not persuasive.
- 4. With regards to claim 1, the applicant asserts that because the television program guide of Boyer is sent on request rather than broadcast, Boyer fails to teach the portal is connected to a broadcast center. The examiner respectfully disagrees. The limitation of claim 1 states that "wherein the cells include one cell having at least some characteristics determined at the broadcast center", as recited on lines 6-7 of the claim. Boyer et al. teach dynamic information regarding events in progress that are being televised, or broadcast; in other words, real-time information, such as the scores of a live basketball game, broadcast on television channels are sent to the web server, as recited in column 2, lines 34-42. Therefore, the real-time data embedded in the cells have at least some characteristics, or data, i.e. the scores of a game, determined by the broadcast center broadcasting the game in progress.
- 5. With regards to claim 4, the applicant asserts that the system disclosed by Boyer does not receive any programs. The examiner respectfully disagrees. The limitation of claim 4 states

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"receiving a plurality of programs", on line 2 of the claim. As the applicant suggested on page 7, line 16 of the amendment filed on 7 September 2004, Boyer teaches that the multimedia system receives television programs, i.e. TV signals, over link 80 (column 5, lines 31-40). Furthermore, the applicant asserts that none of the cells in Boyer include "current video of at least some of the received programs". The examiner respectfully disagrees. The passage recited in column 4, lines 44-67 disclose that real-time data to be displayed is received and that such real-time data includes video clips. Therefore, the real-time data received and displayed can be actual videos, or current videos of the event in progress.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

23 November 2004

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